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| APPLICATION NO. | FILIN | G DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/142,452 | 01/19/1999 | | OSKAR K. WACK | 19866.PCT/FA | 2215 |
| 30996 | 7590 10/22/2003 | | | EXAMINER | |
| | | R & ASSOCIAT | MARKOFF, ALEXANDER | | |
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| TIJERAS, N | M 87059 | | 1746 | | |

DATE MAILED: 10/22/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

| Office Action Summary Display | | 38 | | | | | | |
|--|---|------------------------|-------------------------------|--|--|--|--|--|
| Examiner Alt Unit Alexander Markoff -The MAILING DATE of this communication appears on the cover sheet with the correspondence address − Period for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE of This COMMUNICATION. Extensions of tone may be resiliable under the provisions of 37 CFR 1.13(to). In no event, however, may a reply be limitely filled. If NO period for rely specified above, the maximum statutory priorid over limited provisions of 37 CFR 1.13(to). In the period for rely specified above, the maximum statutory priorid will apply and will expire SK (8) MXONTS from the mailing date of this communication. If NO period for rely pic specified above, the maximum statutory priorid will apply and will expire SK (8) MXONTS from the mailing date of this communication. Are reply received by the Official tens there remained are the mailing date of this communication. Are reply received by the Official tens the remained are the mailing date of this communication. Are reply received by the Official tens the remained are the mailing date of this communication. Are reply received by the Official tens the remained are the mailing date of this communication. Are reply received by the Official tens the remained rate the mailing date of this communication. Are reply received by the Official tens of the specification is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claim(s) | . • | Application No. | Applicant(s) | | | | | |
| Alexander Markoff 1746 | 065 - 4 - 4 - 4 - 5 - 5 - 5 - 5 - 5 - 5 - | 09/142,452 | WACK ET AL. | | | | | |
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| 1) Responsive to communication(s) filed on 4/24/03-8/4/03. 2a) This action is FINAL. 2b) This action is non-final. 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4) Claim(s) 70-112 is/are pending in the application. 4a) Of the above claim(s) is/are withdrawn from consideration. 5) Claim(s) is/are allowed. 6) Claim(s) is/are objected to. 8) Claim(s) 70-112 are subject to restriction and/or election requirement. Application Papers 9) The specification is objected to by the Examiner. 10) The drawing(s) filed on is/are: a) ccepted or b) objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). 11) The proposed drawing correction filed on is: a) approved b) disapproved by the Examiner. If approved, corrected drawings are required in reply to this Office action. 12) The oath or declaration is objected to by the Examiner. Priority under 35 U.S.C. §§ 119 and 120 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some c) None of: 1. Certified copies of the priority documents have been received in Application No 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). *See the attached detailed Office action for a list of the certified copies on the provisional application is nade of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121. Attachment(s) 1) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121. | THE MAILING DATE OF THIS COMMUNICATION. Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication. If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely. If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication. Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b). | | | | | | | |
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| 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) Notice of Informal Patent Application (PTO-152) | Attachment(s) | | • | | | | | |
| | 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) Notice of Informal | | | | | | |

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DETAILED ACTION

Election/Restrictions

1. This application contains claims directed to more than one species of the generic invention. These species are deemed to lack unity of invention because they are not so linked as to form a single general inventive concept under PCT Rule 13.1.

The species are as follows:

The species of the organic compound having lipophilic and hydrophilic groups:

The election of specific species of R¹, R² and X, or a specifically named organic compound is required.

If the alkyl groups are elected as R¹ or R², the election of linear, branched, saturated or unsaturated groups is required. Further, the election of groups with replaced or not replaced -CH₂- is required. Further, if the groups with replaced -CH₂are elected, the election of the specific constituent is required.

For X the election of species in which H is replaced or not replaced is required.

If the species with replaced H is elected the election of the replacement group is required.

Applicant is required, in reply to this action, to elect a single species to which the claims shall be restricted if no generic claim is finally held to be allowable. The reply must also identify the claims readable on the elected species, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered non-responsive unless accompanied by an election.

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Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

- 2. The species listed above do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, the species lack the same or corresponding special technical features for the following reasons: the claimed species represent a number of different classes of organic compounds and thereby lack corresponding technical features.
- 3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alexander Markoff whose telephone number is 703-308-7545. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Randy P Gulakowski can be reached on 703-308-4333. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703--308-0651.

Alexander Markoff Primary Examiner Art Unit 1746